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January 29, 2025

Via ECF

Hon. Kenneth M. Karas
United States District Judge
United States District Court for the
Southern District of New York
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

Re: *Barkai v. Nuendorf et. al*,
Docket No.: 21-cv-4060-KMK-JCM
Our File No.: 12129.00319

Dear Judge Karas:

We represent the Defendants in this matter. The Defendants' motion for summary judgment is due Monday, February 3, 2025. As part of Defendants' motion, we anticipate including exhibits regarding Plaintiff's medical records, including but not limited to medical records from Montefiore Nyack Hospital, as well as testimony and statements from treating medical professionals. Plaintiff's medical records have been marked CONFIDENTIAL pursuant to the Confidentiality Order in place in this matter. DE# 298.

Courts in the Second Circuit routinely "seal Medical Records...by reason of the parties' countervailing privacy interests[.]" *Macalou v. First Unum Life Ins. Co.*, 2024 U.S. Dist. LEXIS 37776 at *5 (S.D.N.Y. 2024); *see also Toolasprashad v. Toolasprashad*, 2021 U.S. Dist. LEXIS 205238 at *6 (E.D.N.Y. 2021) (collecting cases). Accordingly, we request permission to e-file the following documents under seal: (1) any medical records exhibits and depositions or statements from Plaintiff's treating medical providers, (2) an unredacted version of the Defendants' Rule 56.1 Statement, and (3) an unredacted version of the Memorandum of Law.

Respectfully submitted,

Granted.

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

So Ordered.

1/29/25

/s/ Eliza M. Scheibel

cc: Ariel Barkai (via ECF)